

T.D. (4)

### Certificate Under 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: XOMA Technology Ltd.

Application No./Patent No.: 09/610,838

Filed/Issue Date: July 6, 2000

Entitled: Fusion Proteins and Polynucleotides Encoding Gelonin Sequences

XOMA Technology Ltd.  
(Name of Assignee)

a Corporation  
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest, or
2. ☐ an assignee of an undivided-part interest

in the patent application/patent identified above by virtue of either:

A. ☐ An Assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s) of the patent application/patent identified above to the current assignee as shown below:

1. From: the inventors To: XOMA Corporation  
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2. From: XOMA Corporation To: XOMA Arizona, Inc.  
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3. From: XOMA Arizona, Inc. To: XOMA Corporation (Arizona)  
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☒ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee..

Date: 11/20/01

Name: Christopher J. Margolin

Title: Vice President, General Counsel and Secretary

Signature: \_\_\_\_\_

Appl. No. 09/610,838  
Better *et al.*

**Certificate Under 37 C.F.R. § 3.73(b)**  
**Supplemental Sheet**

4. From: XOMA Corporation (Arizona) To: XOMA Ltd.  
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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
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Docket Number (Optional)  
0810.099000A/MAC

In re Application of: Better *et al.*

Application No.: 09/810,838

Filed: July 6, 2000

For: Fusion Proteins And Polynucleotides Encoding Gelatin Sequences

The owner, **XOMA Technology Ltd.**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending second application, Application Number **09/711,485**, filed on **November 13, 2000**, the term being defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

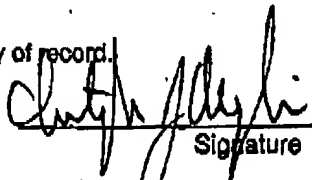
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2. ☐ The undersigned is an attorney of record.

  
Signature

11/20/01  
Date

**Christopher J. Margolin**  
Typed or printed name  
Vice President, General Counsel  
and Secretary

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

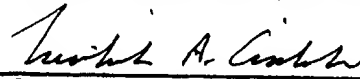
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REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
0810.099000A/MAC

In re Application of: Better *et al.*

Application No.: 09/610,838

Filed: July 6, 2000.

For: Fusion Proteins And Polynucleotides Encoding Gelonin Sequences

The owner, XOMA Technology Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,146,850. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during each period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

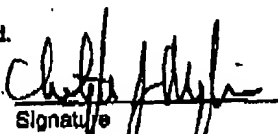
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2. ☐ The undersigned is an attorney of record.

  
Signature

11/20/01  
Date

Christopher J. Margolin  
Typed or printed name  
Vice President, General Counsel  
and Secretary

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

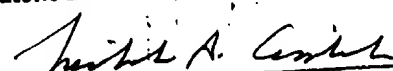
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Docket Number (Optional)  
0610.099000A/MAC

In re Application of: Better *et al.*

Application No.: 09/610,838

Filed: July 8, 2000

For: Fusion Proteins And Polynucleotides Encoding Gelonin Sequences

The owner, XOMA Technology Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,758,999. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

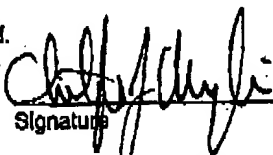
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2. ☐ The undersigned is an attorney of record.

  
Signature

11/20/01  
Date

Christopher J. Margolin  
Typed or printed name  
Vice President, General Counsel  
and Secretary

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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0610.099000A/MACIn re Application of: *Better et al.*

Application No.: 09/610,838

Filed: July 6, 2000

For: Fusion Proteins And Polynucleotides Encoding Gelonin Sequences

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Signature

Date

Christopher V. Margolin

Typed or printed name

Vice President, General Counsel  
and Secretary

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